

Iowa Department of Natural Resources  
Natural Resource Commission

ITEM	11	DECISION
TOPIC	NOIA Chapter 71 - Nursery Stock Sale to the Public	

The Commission's approval is requested for publication of a Notice of Intended Action to amend Chapter 71, "Nursery Stock Sale to the Public." The proposed amendment will change the number of plants that customers may purchase, will include commercial nurseries among the eligible purchasers, and will change the prices and types of plants available through the nursery. A price increase is needed to help cover increasing labor and production costs.

Paul Tauke, Forestry Bureau Chief  
Conservation and Recreation Division  
August 14, 2008

Attachment: NOIA Chapter 71 - Nursery Stock Sale to the Public

NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 71, "Nursery Stock Sale to the Public," Iowa Administrative Code.

This rule provides the descriptions of plants made available through the State Nursery, the obligations of customers purchasing plants from the State Nursery, and the prices of such plants.

The proposed amendments clarify which customers must meet the obligations enumerated in the rule, provide for the sale of additional plants, and amend the prices of plants made available for sale under these rules.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 30, 2008. Written comments may be directed to the Forestry's Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Forestry Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Forestry Bureau at (515)281-5034 or at the Forestry Bureau offices on the fourth floor of the Wallace State Office Building. In addition, twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b." Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

These rules are intended to implement Iowa Code sections 456A.20, 461A.2 and 1989 Iowa Acts, chapter 311, section 16.

The following amendments are proposed.

**ITEM 1. Amend 571—Chapter 71, title, as follows:**

**NURSERY STOCK SALE TO THE PUBLIC SALES**

**ITEM 2. Amend subrules 71.2(2) and 71.2(3) as follows:**

**71.2(2) Order limitations.**

a. The minimum acceptable order shall be 500 plants in total with the minimum number of 100 plants of one species.

(1) To complete ~~the~~ a previous year's planting, a purchaser may order less than 500 plants with a minimum of 100 plants of one species.

(2) Special purpose packets shall contain the number and species of plants as determined annually by the state forester but not to exceed 400 plants.

b. If a shortage occurs, substitution of suitable species may be made at the discretion of the state forester.

c. Nursery stock shall be sold only for planting within the state of Iowa. Commercial nurseries, other state agencies within the state of Iowa, and federal agencies may purchase plants provided those plants are planted within the state of Iowa.

**71.2(3) Customer obligation.**

a. Nursery stock planted on private land shall be for the purpose of wildlife habitat establishment, the control of soil erosion or to establish forest cover.

b. ~~Purchasers of~~ All private landowners who purchase nursery stock for planting on private land shall, as part of the order, be required to certify the plants will be used for wildlife habitat, erosion control or forestation purposes and will not be used to establish a new farmstead windbreak, shade trees or ornamental plantings.

c. All ~~purchasers of~~ private landowners who purchase stock shall, as a part of the plant order, be required to certify as to the county in which the nursery stock will be planted.

d. All ~~purchasers~~ private landowners who purchase shall be required as a part of the plant order, to certify that the plants purchased will not be sold with roots attached.

e. All commercial nurseries, state agencies within the state of Iowa, and federal agencies shall be required to certify that the plants purchased will be planted within Iowa.

**ITEM 3. Amend subrule 71.3(1) as follows:**

**71.3(1) Prices for hardwoods shall be as follows:**

a. ~~Oak, Aspen, oak,~~ hickory, walnut, pecan and basswood, 6" to 16" - \$40 per hundred plants.

b. ~~Oak, Aspen, oak,~~ hickory, walnut, pecan and basswood, ~~17" and larger~~ 16" to 24" - ~~\$45~~ \$50 per hundred plants.

c. Other hardwood tree species, 6" to 16" - \$37 per hundred plants.

d. Other hardwood tree species, ~~17" and larger~~ 16" to 24" - ~~\$42~~ \$47 per hundred plants.

e. Hardwood tree species, 24" to 48" - \$100 per 100 plants.

f. Improved selections, 6" to 16" - \$80 per 100 plants. For purposes of this rule, improved selections mean plants that have been developed and bred by the department of natural resources to perform superior to regularly cultivated plants in the following ways, by illustration and without limitation: faster growth, disease resistant or tolerant, and improved form.

g. Improved selections, 16" to 24" - \$100 per 100 plants.

h. Improved selections, 24" to 48" - \$150 per 100 plants.

**ITEM 4. Amend subrule 71.3(2) as follows:**

**71.3(2) Prices for shrubs shall be as follows:**

a. ~~Elderberry, buttonbush, dogwood, and Nanking cherry~~ Shrub species, 6" to 16" - ~~\$37~~  
\$40 per hundred plants.

b. ~~Elderberry, buttonbush, dogwood, and Nanking cherry~~ Shrub species, ~~17"~~ 16" and  
larger - ~~\$42~~ \$50 per hundred plants.

c. ~~Other shrub species, 6" to 16"~~ \$40 per hundred plants.

d. ~~Other shrub species, 17" and larger~~ \$45 per hundred plants.

**ITEM 5.** Amend subrule 71.3(3) as follows:

71.3(3) Prices for conifers shall be as follows:

a. Conifers 6" to 16" - \$25 per hundred plants.

b. Conifers ~~17"~~ 16" and larger - ~~\$30~~ \$35 per hundred plants.

**ITEM 6.** Amend subrule 71.3(4) as follows:

71.3(4) Prices for wildlife packets shall be ~~\$90~~ \$100 each.

**ITEM 7.** Amend subrule 71.3(6) as follows:

71.3(6) Prices for walnut seed shall be \$3 per ~~pound~~ bushel.

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Date

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Richard A. Leopold, Director